

SUPER LAW GROUP, LLC

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February 19, 2014

Via Certified Mail, Return Receipt Requested

RECEIVED

FEB 24 2014

H. Curtis Spalding, EPA Region 1 Administrator
Environmental Protection Agency
5 Post Office Square - Suite 100
Boston, MA 02109

OFFICE OF THE REGIONAL ADMINISTRATOR

Re: Soundkeeper, Inc., Connecticut Fund for the Environment, Inc. and
Conservation Law Foundation, Inc., v. A-Rite Used Auto Parts, Inc., et al.,
United States District Court for the District of Connecticut,
Case No. 3:12-cv-00844-RNC

Dear Administrator Spalding,

Pursuant to 33 U.S.C. § 1365(c)(3) of the Clean Water Act (CWA), lead counsel for Plaintiffs Soundkeeper, Inc., Connecticut Fund for the Environment, Inc. and Conservation Law Foundation, Inc. provides the attached proposed consent decree between Plaintiffs and A-Rite Used Auto Parts, Inc. ("A-Rite"), resolving alleged violations of the CWA and the General Permit for the Discharge of Stormwater Associated with Industrial Activity, issued by the Connecticut Department of Energy and Environmental Protection. The parties intend to file a joint motion for entry of consent judgment with the United States District Court for the District of Connecticut following the 45-day period for U.S. government review of the consent decree required by 40 C.F.R. §135.5(b).

The consent decree provides that A-Rite will make a supplemental environmental project payment of \$5,000 to Connecticut River Coastal Conservation District ("CRCCC") for use on projects relating to the reduction, mitigation and/or remediation of the effects of stormwater pollution of the or environmental restoration of or other benefit to the Webster and Willow Brook, Mattabesset River, Connecticut River and Long Island Sound Watersheds. We have attached written confirmation from CRCCC that the organization (1) has read the proposed settlement agreement; (2) will spend any monies it receives under the settlement agreement for the purposes specified in the agreement; (3) is a 501(c)(3) tax-exempt organization; (4) will not use any money received under the settlement agreement for political lobbying activities; and (5) will submit to the Court, the United States, and the parties a letter describing how the SEP funds were spent.

Counsel for Plaintiffs asks the United States to promptly review the Consent Decree and, if it does not object, to so notify the Court.

If you have any questions or concerns regarding this matter, please contact me.

Very truly yours,

Handwritten signature of Reed W. Super in black ink, with the letters "AIH" written to the right of the signature.

Reed W. Super
Super Law Group, LLC
131 Varick Street, Suite 1033
New York, NY 10013
(212) 242-2273
reed@superlawgroup.com

Attorney for Soundkeeper Inc.,
Connecticut Fund for the
Environment, Inc., and Conservation
Law Foundation, Inc.

Encls.

cc:

Gina McCarthy
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Citizen Suit Coordinator
United States Department of Justice
Environment and Natural Resources Division
Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, D.C. 20044-7415

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

-----	X
SOUNDKEEPER, INC., CONNECTICUT FUND FOR	:
THE ENVIRONMENT, INC., and CONSERVATION	:
LAW FOUNDATION, INC.,	:
	: Case No. 3:12-cv-00844-RNC
Plaintiffs,	:
	:
v.	: [PROPOSED] CONSENT
	: DECREE
A-RITE USED AUTO PARTS, INC., 116 CHRISTIAN	:
LANE, LLC, and 94 CHRISTIAN LANE, LLC,	:
	:
Defendants.	:
-----	X

WHEREAS, Plaintiffs Soundkeeper, Inc. ("Soundkeeper"), Connecticut Fund for the Environment, Inc. ("CFE") and Conservation Law Foundation, Inc. ("CLF") (collectively, "Plaintiffs") filed this action on June 6, 2012, against Defendants A-Rite Used Auto Parts, Inc., 116 Christian Lane, LLC, and 94 Christian Lane, LLC, ("A-Rite"), alleging violations of 33 U.S.C. §§ 1311(a) and 1342 of the Clean Water Act and seeking declaratory and injunctive relief, civil penalties, and reasonable attorneys' fees and costs;

WHEREAS, Soundkeeper is a Connecticut based nonprofit environmental organization with members who use and enjoy Long Island Sound, for both commercial and recreational purposes;

WHEREAS, CFE is a Connecticut based nonprofit environmental organization with members who use and enjoy Connecticut's lakes, rivers and Long Island Sound;

WHEREAS, CLF is a regional, nonprofit environmental organization with members who use and enjoy the Long Island Sound watershed for recreational, aesthetic and scientific purposes;

WHEREAS, A-Rite owns and operates an automobile recycling yard located at 116 Christian Lane, New Britain, CT 06051 (the "Facility");

WHEREAS, A-Rite has represented to Soundkeeper, CFE and CLF that A-Rite does not conduct industrial activities on premises owned by 94 Christian Lane, LLC or at any parcel other than 116 Christian Lane, New Britain, CT 06051;

WHEREAS, the parties are concurrently filing a stipulation pursuant to Fed. R. Civ. P. Rule 41(a)(1)(ii) to dismiss the action as against 116 Christian Lane, LLC, and 94 Christian Lane, LLC.

WHEREAS, the Facility discharges stormwater associated with industrial activity, through a single Point Source, into the waters of the United States, including Webster and Willow Brook, which in turn discharges to the Mattabesset River, which discharges to the Connecticut River and ultimately to Long Island Sound;

WHEREAS, A-Rite operates under a primary Standard Industrial Classification ("SIC") Code of 5015 at the Facility, and is therefore subject to Connecticut's General Permit for the Discharge of Stormwater Associated with Industrial Activity (the "General Permit");

WHEREAS, while A-Rite contends that it mistakenly believed it possessed the necessary permits, it, in fact, did not have coverage under the General Permit;

WHEREAS, Soundkeeper, CFE and CLF have alleged, in its June 6, 2012 complaint (the "Complaint") and in its notice of intent to sue (the "Notice Letter") dated April 6, 2012, that A-Rite has violated and continues to violate 33 U.S.C. §§ 1311(a) and 1342 by, *inter alia*, discharging stormwater associated with industrial activity without coverage under the General Permit and by failing to comply with the conditions of the General Permit. Among other things, the General Permit requires development and implementation of a Stormwater Pollution Prevention Plan ("SWPPP"), stormwater monitoring, inspections, recordkeeping and reporting;

WHEREAS, A-Rite developed a SWPPP(s) for the Facility and on October 29, 2012, submitted registration form(s) to the Connecticut Department of Energy and Environmental Protection ("DEEP") seeking coverage under the General Permit;

WHEREAS, on December 21, 2012, Soundkeeper, CFE and CLF sent comments on A-Rite's Registration Forms and SWPPP to DEEP;

WHEREAS, on February 7, 2013, DEEP issued authorization of coverage to A-Rite under Registration No. GSI002551.

WHEREAS, on March 5, 2013, DEEP inspected the Facility, prepared an inspection report, and sent A-Rite comments on A-Rite's SWPPP identifying changes needed to be made in A-Rite's SWPPP and pollution control measures;

WHEREAS, DEEP requested that A-Rite revise the SWPPP to address these modifications and required A-Rite to submit a new SWPPP on or before May 5, 2013;

WHEREAS, on May 3, 2013, A-Rite submitted a revised SWPPP to DEEP; DEEP has reviewed the SWPPP and deemed it to be adequate;

WHEREAS, on September 26, 2013, DEEP provided the revised SWPPP to Plaintiffs;

WHEREAS, A-Rite has now obtained coverage under the General Permit;

WHEREAS, Plaintiffs and A-Rite (collectively, “the Parties” or individually “Party”) agree that it is in their mutual interest to resolve this matter without the taking of evidence or findings of fact or law, and the Parties would like to avoid prolonged and costly litigation;

WHEREAS, this Decree shall be submitted to the United States Department of Justice and the United States Environmental Protection Agency for the 45-day statutory review period, pursuant to 33 U.S.C. § 1365(c);

NOW, THEREFORE, without the trial of any issue of fact or law, without the admission by A-Rite of any of the facts or violations alleged in the Complaint, upon consent of the Parties, and upon consideration of the mutual promises contained herein,

**IT IS HEREBY STIPULATED BETWEEN THE PARTIES AND ORDERED,
ADJUDGED AND DECREED BY THE COURT AS FOLLOWS:**

I. DEFINED TERMS

The defined terms set forth in the foregoing recitals are hereby incorporated into the body of this Decree and are made a part hereof. In addition, the following terms used in this Decree have the meaning set forth below:

1. Effective Date: the day the Court enters this Decree after the expiration of the forty-five (45) day review period required by 33 U.S.C. § 1365(c)(3).
2. Facility: the industrial facility located 116 Christian Lane, New Britain, CT 06051, owned and operated by A-Rite on premises owned by 116 Christian Lane, LLC.
3. Term of this Decree: the period beginning on the Effective Date and ending thirty (30) months from the Effective Date or upon receipt of the final Supplemental Environmental Project (“SEP”) payment and final litigation cost payment required under Section VI of this Decree, whichever is later.

II. JURISDICTION AND VENUE

4. Jurisdiction over this action is conferred by 28 U.S.C. § 1331 (federal question) and 33 U.S.C. § 1365(a) (Clean Water Act jurisdiction). Plaintiffs have standing and have complied with the statutory notice requirements under 33 U.S.C. § 1365(a)(1), and the corresponding regulations at 40 C.F.R. § 135.2. An actual, justiciable controversy exists between Plaintiffs and Defendants. The requested relief is proper under 28 U.S.C. §§ 2201, 2202 and 33 U.S.C. § 1365(a).
5. Venue is properly vested in this Court pursuant to 33 U.S.C. § 1365(c)(1), because the events giving rise to this action occurred at the A-Rite Facility, and in the Webster and Willow Brook, Mattabesset River, Connecticut River and Long Island Sound Watersheds, which are located within this judicial district.

6. For purposes of this Decree, or any action to enforce this Decree, A-Rite consents to the Court's jurisdiction over this Decree and any such action and over A-Rite. For purposes of this Decree, A-Rite consents to venue in this judicial district.

III. SWPPP COMPLIANCE PROGRAM

7. During the Term of this Decree, A-Rite shall maintain coverage under the General Permit or any reissued State of Connecticut General Permit for the Discharge of Stormwater Associated with Industrial Activity.
8. A-Rite will implement the SWPPP at the Facility in compliance with the terms of the General Permit, which is hereby incorporated into this Decree, and the Clean Water Act.
9. If A-Rite is required to amend its SWPPP for any reason including but not limited to the reasons enumerated in General Permit Section 5(c)(5), A-Rite shall provide a copy to Plaintiffs of any written submittals made to DEEP at the same time as it sends such documentation to DEEP.
10. In the event DEEP provides comments on, or requests or directs A-Rite to modify the SWPPP for the Facility during the Term of this Decree, A-Rite shall respond to DEEP, with a copy to Plaintiffs, within 30 days of receipt of the communication from DEEP.

IV. MONITORING PROGRAM

11. A-Rite shall sample its stormwater discharges, as identified in the SWPPP, in accordance with the requirements in Sections 5(e), 5(f), and 5(g) of the General Permit. A-Rite shall send a copy of each inspection and/or sampling result to Plaintiffs at the same time it sends those results to DEEP.
12. A-Rite shall also comply with all other inspection and monitoring requirements of the General Permit including, but not limited to, those of Sections 5(d), 5(f), and 5(e). A-Rite shall send a copy of each inspection and/or sampling result to Plaintiffs at the same time it sends those results to DEEP.

V. HAZARDOUS WASTE, SOLID WASTE AND RECYCLING PROGRAM

13. If notified by DEEP of the requirement to comply with any of the following regulations and statutes, then, pursuant to the provisions of Connecticut's hazardous waste management regulations, RCSA Sections 22a-449(c)-100, et seq.; solid waste management regulations, RCSA Sections 22a-209, et seq.; and recycling requirements, CGS Section 22a-241b(d), A-Rite shall, in addition to any other requirements imposed by DEEP, complete the following in accordance with the schedules specified therein:
 - a. On or before thirty (30) days after being notified of the requirement to comply with any of the above provisions, A-Rite shall retain one or more qualified consultants to prepare the documents and implement or oversee the actions

required by Section V, Paragraph 13 of this Decree. The consultant retained must have at least five years of substantial work experience in the environmental compliance field, including experience with the Connecticut hazardous and solid waste management regulations. A-Rite shall submit to the Commissioner a description of a consultant's education, experience and training that is relevant to the work required by Section V, Paragraph 16 of this Decree within ten (10) days after a request for such a description.

- b. On or before ninety (90) days after being notified of the requirement to comply with any of the above provisions, the consultant retained pursuant to Section V, Subparagraph 13.a of this Decree shall prepare a Best Management Practices Plan ("BMPP") using, at a minimum, the checklist enclosed as Exhibit A of this Decree. A-Rite shall update the BMPP if any of the waste generation practices at the facility change. A-Rite shall incorporate the best management practices from the BMPP into the daily operations of the facility. A-Rite shall maintain a copy of the current BMPP and any related records at the facility at all times for a period of at least three (3) years from the Effective Date of this Decree, notwithstanding the termination of this Decree. A-Rite shall provide a copy of the current BMPP to the Commissioner upon request.
- c. On or before ninety (90) days after being notified of the requirement to comply with any of the above provisions, the consultant retained pursuant to Section V, Subparagraph 13.a of this Decree shall conduct a comprehensive recycling review of the facility to evaluate compliance with the Connecticut recycling laws set forth in CGS Section 22a-241b(d), and shall prepare a business recycling profile documenting the management of materials generated at the facility. An example of a recycling profile is attached as Exhibit B to this Decree. A-Rite shall update the business recycling profile if there is a change in the type of recyclables handled at the facility. A-Rite shall incorporate compliant recycling practices into daily operations at the facility, including but not limited to ensuring that contracts are in place for collection of all solid waste and recyclables at the facility. A-Rite shall maintain a copy of the current business recycling profile and any related records at the facility at all times for a period of at least three (3) years from the Effective Date of this Decree, notwithstanding the termination of this Decree. A-Rite shall provide a copy of the current recycling profile to the Commissioner upon request.

VI. SEP AND LITIGATION COST PAYMENTS

- 14. Supplemental Environmental Project Payment (SEP): Within thirty (30) months of the Effective Date, A-Rite shall make a payment of \$5,000.00 in the form of a certified bank check to Connecticut River Coastal Conservation District, 27 Washington St, Middletown, CT 06457, for use on projects relating to the reduction, mitigation, and/or remediation of the effects of stormwater pollution or environmental restoration of or other benefit to the Webster and Willow Brook, Mattabesset River, Connecticut River and Long Island Sound Watersheds. A-Rite shall notify Plaintiffs in writing concurrently

when the payment is made and provide a copy of the check. None of this payment shall be disbursed to Soundkeeper, CFE or CLF.

15. A-Rite shall pay a sum of \$20,000.00 as full and complete satisfaction of Plaintiffs' claim for attorneys' fees and costs incurred to date in this matter. The payment(s) shall be made by certified bank check addressed to and made out to Super Law Group, LLC, 131 Varick Street, Suite 1033, New York, NY 10013, and shall be paid no later than the dates set forth directly below:

\$5,000 no later than thirty (30) days after the Effective Date;
\$3,000 no later than five (5) months after the Effective Date;
\$3,000 no later than ten (10) months after the Effective Date;
\$3,000 no later than fifteen (15) months after the Effective Date;
\$3,000 no later than twenty (20) months after the Effective Date; and
\$3,000 no later than twenty-five (25) months after the Effective Date.

16. In the event that any payment owed by A-Rite under the Decree is not made on or before the due date, A-Rite shall be deemed in default of its obligations under the Decree. In addition to a continued requirement to make the payment, A-Rite shall pay ten (10) percent annual interest, accruing daily, on any unpaid balance.

VII. EFFECT OF DECREE

17. Upon Court approval and entry of this Consent Decree, Plaintiffs covenant not to sue and release A-Rite (including its representatives, assigns, agents, employees, officers, attorneys and consultants) from any and all claims, causes of action, or liability under Section 505 of the Clean Water Act, 33 U.S.C. § 1365, for damages, penalties, fines, injunctive relief, or any other claim or relief (i) relating to or resulting from noncompliance with the General Permit at the Facility occurring prior to the Effective Date, and (ii) for any past violations of the Clean Water Act at the Facility alleged, or that could have been alleged, in the Complaint. Notwithstanding the foregoing, if A-Rite conducts industrial activities on any parcels other than 116 Christian Lane, New Britain, CT 06051, the covenant not to sue and release contained in this paragraph shall not apply to claims, causes of action, or liability relating to such other parcels. This Paragraph does not constitute a waiver or release of any claims relating to the enforcement of this Decree. Plaintiffs do not waive their right to bring a future action for injunctive or declaratory relief, penalties, and attorneys' fees and costs based on stormwater discharges that occur after the expiration of the Term of this Decree.
18. A-Rite releases and discharges Plaintiffs, their representatives, assigns, agents, employees, officers, attorneys and consultants, including those who have held positions in the past, from any and all claims, liability, demands, penalties, costs, and causes of action of every nature which concern or are connected with this action.
19. Plaintiffs do not by consent to the Decree warrant or aver in any manner that A-Rite's compliance with this Decree will constitute or result in compliance with federal or state

law or regulation. Nothing in this Decree shall be construed to affect or limit in any way the obligation of A-Rite to comply with all federal, state, and local laws and regulations governing any activity required by this Decree.

20. A-Rite will notify Plaintiffs prior to transfer of ownership or control of the Facility. A-Rite agrees that as a condition of transfer of ownership or control of the Facility to an entity other than A-Rite, the new owner or operator will be informed in writing of this Decree and of its requirements to comply with the General Permit.

VIII. REVIEW AND TERM OF DECREE

21. The Parties recognize that, pursuant to 33 U.S.C. § 1365(c)(3), this Decree cannot be entered until forty-five (45) days after the receipt of a copy of the proposed Decree by the United States Attorney General and the EPA. Therefore, upon signing of this decree by the Parties, Plaintiffs shall serve copies of this Decree upon the EPA Administrator, the Regional EPA Administrator, and the Attorney General for review, as required by 40 C.P.R. § 135.5. If for any reason the United States should decline to approve this Decree in the form presented, the Parties agree to continue negotiations in good faith to cure any objection to entry of this Decree raised by the United States.
22. Upon the expiration of the forty-five-day review period provided by 33 U.S.C. § 1365(c)(3), the Parties will jointly move the Court for entry of this Decree. This Decree shall take effect on the date it is entered by this Court and shall terminate thirty (30) months from the Effective Date or upon receipt of the final SEP payment and final litigation cost payment required under Section VI of this Decree, whichever is later. If for any reason the Court should decline to approve this Decree in the form presented, the Parties agree to continue negotiations in good faith in an attempt to cure any objection raised by the Court to entry of this Decree.

IX. MODIFICATION AND ENFORCEMENT OF DECREE

23. This Decree may be modified only upon written consent of the Parties and the approval of the Court.
24. The United States District Court for the District of Connecticut shall retain and will have jurisdiction over the Parties to this Decree for the resolution of any disputes that may arise under this Decree. This Court shall also allow this action to be reopened for the purpose of enabling the Parties to this Decree to apply to the Court for any further order that may be necessary to construe, carry out, enforce compliance and/or resolve any dispute regarding the terms or conditions of this Decree.
25. Plaintiffs will provide A-Rite with 72 hours written notice prior to initiating court proceedings to enforce this Decree at the address provided in Paragraph 27, below.

X. MISCELLANEOUS PROVISIONS

26. **Entire Agreement.** This Decree constitutes the entire agreement among the Parties concerning the subject matter hereof and supersedes all previous correspondence, communications, agreements and understandings, whether oral or written, among the Parties.
27. **Notices.** Any notice, demand, copies of documents and other communications required to be made under the provisions of this Decree (collectively, "Notices") by any Party hereto shall be effective only if in writing and (a) personally served, (b) mailed by United States registered or certified mail, return receipt requested, postage prepaid, or (c) sent by a nationally recognized courier service (i.e., Federal Express) for next-day delivery, to be confirmed in writing by such courier. Notices shall be directed to the Parties at their respective addresses set forth below. Notices given in the foregoing manner shall be deemed given (a) when actually received or refused by the party to whom sent if delivered by courier, or (b) if mailed, on the day of actual delivery as shown by the addressee's registered or certified mail receipt or at the expiration of three (3) business days after the date of mailing, whichever first occurs. Notices for Soundkeeper, CFE and CLF shall be sent to:
- Reed W. Super, Esq.
Super Law Group, LLC
131 Varick Street, Suite 1033
New York, New York 10013
Attorneys for Soundkeeper, CFE and CLF
- Notices sent to the individual listed above at the address listed above shall be deemed as notice to Plaintiffs.
- Notice for A-Rite shall be sent to:
- Mark S. Shipman, Esq.
Lawrence S. Shipman, Esq.
Shipman Stokesbury & Fingold, LLC
20 Batterson Park Road
Farmington, CT 06032
Attorneys for A-Rite Used Auto Parts, Inc.
- Each Party shall promptly notify the other Party of any change in the above-listed contact information by using the procedures set forth in this paragraph.
28. **Authorization.** Each person signing this Decree represents and warrants that s/he has been duly authorized to enter into this Decree by the Party on whose behalf it is indicated that the person is signing.
29. **Successors and Assigns.** This Decree shall be binding upon and inure to the benefit of the Parties and their respective representatives, heirs, executors, administrators, successors, officers, directors, agents, attorneys, employees and permitted assigns.

30. **Interpretation.** The provisions contained herein shall not be construed in favor of or against any Party because that party or its counsel drafted this Decree, but shall be construed as if all Parties prepared this Decree, and any rules of construction to the contrary are hereby specifically waived. The terms of this Decree were negotiated at arm's length by the Parties hereto.
31. **Headings.** The section and paragraph headings contained in this Decree are for reference purposes only and shall not affect in any way the meaning or interpretation of this Decree.
32. **Counterparts.** This Decree may be executed in two or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. The Parties authorize each other to detach and combine original signature pages and consolidate them into a single identical original. Any one of such completely executed counterparts shall be sufficient proof of this Decree.
33. **Severability.** In the event that any of the provisions of this Decree are held by a court to be unenforceable, the validity of the enforceable provisions shall not be adversely affected.

XI. EXHIBITS

34. The following exhibits are attached to this Decree and made a part hereof:

- a. Exhibit A: Best Management Practices Checklist
- b. Exhibit B: Business Recycling Profile

SOUNDKEEPER, INC.

BY: Jason Garrett DATE: 2/11/14
TITLE: Program Administrator

CONNECTICUT FUND FOR THE ENVIRONMENT, INC.

BY: _____ DATE: _____

TITLE: _____

CONSERVATION LAW FOUNDATION, INC.

BY: _____ DATE: _____

TITLE: _____

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SOUNDKEEPER, INC.

BY: _____ DATE: _____

TITLE: _____

CONNECTICUT FUND FOR THE ENVIRONMENT, INC.

BY: *[Signature]* DATE: 2/10/2014

TITLE: Director of Programs

CONSERVATION LAW FOUNDATION, INC.

BY: _____ DATE: _____

TITLE: _____

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SOUNDKEEPER, INC.

BY: _____ DATE: _____

TITLE: _____

CONNECTICUT FUND FOR THE ENVIRONMENT, INC.

BY: _____ DATE: _____

TITLE: _____

CONSERVATION LAW FOUNDATION, INC.

BY: *CMF* DATE: 2/12/14

TITLE: Vice President

A-RITE USED AUTO PARTS, INC.,

BY: [Signature] DATE: 2-17-2014

TITLE: Pres

ENTERED and DATED this ___ day of _____, 2014

Honorable Robert N. Chatigny
United States District Judge

EXHIBIT A

Best Management Practices Checklist

Waste Management Checklist For Auto Recycling Facilities

Date:
Facility Name:
Owner/Manager:
Address:
Telephone:
Fax:
Email:
Type of Facility (check all that apply):
<input type="checkbox"/> Scrap Automobile Storage
<input type="checkbox"/> Scrap Automobile Dismantling
<input type="checkbox"/> Scrap Automobile Crushing
<input type="checkbox"/> Non-Automotive Scrapyard
<input type="checkbox"/> Other (specify)

DIRECTIONS:

Use this form to assess your compliance with Connecticut's Hazardous Waste, Solid Waste, and Recycling Management Regulations and Statutes. NOTE: *The hazardous waste management regulations can be found in sections 22a-449(c)-100 – 119 of the Regulations of Connecticut State Agencies ("RCSA"), incorporating Title 40 of the Code of Federal Regulations ("40 CFR"), Parts 260 – 279. The solid waste management regulations are found in RCSA sections 22a-209-1 – 16, and the regulations specific to mandatory recycling are in RCSA sections 22a-241b-1 – 4.*

This checklist includes references to specific pages in the *Auto Recycling Industry Compliance Guide*, which is available on the DEEP website at the following address:

http://www.ct.gov/dep/lib/dep/compliance_assistance/manuals_guidelines/autorecyclingguide.pdf

To obtain a hard copy of the *Auto Recycling Industry Compliance Guide*, call DEEP at 1-888-424-4193.

The page references in this checklist are for the website version. Please be aware that the page references for material in the website version may be different from those for the same material in the hard copy version. Use the "Table of Contents" for assistance in referring to material in the hard copy version.

The legal requirements referenced in this compliance checklist are described in detail in the *Auto Recycling Industry Compliance Guide*. While efforts were taken to make this checklist as complete as possible, it was not possible to account for every conceivable situation that might occur. As a result, compliance with all the items in the checklist does not necessarily mean that an auto recycling facility is in complete compliance with all applicable regulatory requirements.

Part One: Hazardous Waste Management Requirements

(Auto Recycling Industry Compliance Guide, Pages 13 – 27)

1. Do you have copies of hazardous waste determination documentation for each of the wastes generated at your facility [RCSA §22a-449(c)-102(a)(2), 40 CFR 262.11]? NOTE: *You must keep records of your hazardous waste determination documentation for at least 3 years from the date the waste was last sent off-site for disposal. For more information on how to properly perform hazardous waste determinations, see pages 13 – 14 of the Auto Recycling Industry Compliance Guide. Also, additional information, including helpful forms such as a hazardous waste determination summary sheet, is available on the DEEP website at www.ct.gov/dep/rcrahelp.*

Do you have hazardous waste determination documentation on file for each of the following wastes (check N/A if you do not generate that waste)?

- | | | | |
|--|------------------------------|-----------------------------|------------------------------|
| <input type="checkbox"/> Aerosol cans | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Airbag canisters | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Mercury switches | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Paint-related wastes | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Rags and wipers | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Spent lead-acid batteries (unless stored for recycling) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Used absorbents (pigs, SpeedyDry, etc.) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Used fuel filters (unless drained and sent for metal recycling) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Used oil | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Waste antifreeze | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Waste gasoline and other fuels (unless sent for fuel blending or recycling) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Waste solvents/parts washer solution | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Others (list them and indicate whether or not you have hazardous waste determination documentation on file for each one): | | | |

Who are your waste hauler(s)?

Explain how you manage and store your hazardous waste on-site:

2. What is your hazardous waste generator status? NOTE: *If you are not sure, see page 15 of the Auto Recycling Industry Compliance Guide, or go to www.ct.gov/dep/rcrahelp.*
- ☐ Conditionally Exempt Small Quantity Generator (“CESQG”) (go to Question #3 in this section)
- ☐ Small Quantity Generator (“SQG”) (go to Question #4 in this section)
- ☐ Large Quantity Generator (“LQG”) (go to Question #5 in this section)

3. If you are a **Conditionally Exempt Small Quantity Generator**, you must do the following [RCSA § 22a-449(c)-101(b), 40 CFR 261.5]:

- ☐ Ensure that you do not generate more than 100 kilograms (approximately 26 gallons) of hazardous waste in any calendar month, and do not accumulate more than 1000 kilograms (approximately 260 gallons) of hazardous waste on-site at any time.
- ☐ Ensure that your hazardous waste is disposed of at a permitted hazardous waste treatment or disposal facility, or at a household hazardous waste facility (or one-day collection event) that accepts small business waste.

Explain how your hazardous waste is prepared for shipment and shipped off-site:

- ☐ Ensure that any hazardous waste haulers that you use have a valid EPA Identification number and transporter's permit to haul waste in Connecticut.

What are the names and EPA Identification number(s) of your hazardous waste hauler(s)?

- ☐ Perform a hazardous waste determination on each of the wastes you generate. Repeat hazardous waste determinations annually, and whenever there are changes in the raw materials that are used or the processes generating the waste.
- ☐ Keep records of all test results and other information used to make these determinations for at least three years from the date that the waste was last sent off-site for disposal.

4. If you are a **Small Quantity Generator**, you must do the following [RCSA §§ 22a-449(c)-102(b) and -102(c), 40 CFR 262.34(d)]:

- ☐ Ensure that you do not generate more than 1000 kilograms (approximately 260 gallons) of hazardous waste in any calendar month, and do not accumulate more than 1000 kilograms (approximately 260 gallons) of hazardous waste on-site at any time.
- ☐ Have an EPA Identification Number.

EPA Identification Number:

- ☐ Ensure that any hazardous waste haulers that you use have a valid EPA Identification number and transporter's permit to haul waste in Connecticut.

What are the names and EPA Identification number(s) of your hazardous waste hauler(s)?

--

- ☐ Ensure that your hazardous waste is disposed of at a permitted hazardous waste treatment or disposal facility.
- ☐ Perform a hazardous waste determination on each of the wastes you generate. Repeat hazardous waste determinations annually, and whenever there are changes in the raw materials that are used or the processes generating the waste.
- ☐ Keep records of all test results and other information used to make these determinations for at least three years from the date that the waste was last sent off-site for disposal.
- ☐ Prepare a hazardous waste manifest for each off-site shipment of waste, and retain a copy of the manifest for each shipment. Ensure that the required Land Disposal Restriction ("LDR") notices accompany each manifested shipment, and retain copies of these notices on-site.
- ☐ Ensure that you do not store waste on-site for more than 180 days.
- ☐ Store your waste only in containers or tanks.

Do you store hazardous waste in containers? ☐ Yes ☐ No

If yes, you must do the following:

- ☐ Mark each container with the words "Hazardous Waste," a description of the contents, such as the chemical name, and the date of initial accumulation.
- ☐ Store containers in an area that has an impervious base, and secondary containment that is capable of containing the volume of the largest container stored in the area, or ten percent of the total volume of waste stored in the area (whichever is greater). NOTE: *If the storage area is outside, measures should be implemented to prevent precipitation from accumulating within the secondary containment. Otherwise, accumulated precipitation will have to be collected for proper disposal.*
- ☐ Use only containers that are compatible with the waste you are putting in them, and keep containers away from other wastes or raw materials that they may be incompatible with by using a dike, berm, wall, or other device to separate them.
- ☐ Ensure that containers are kept closed and in good condition, and immediately replace or over-pack any damaged or leaking containers.
- ☐ When shipping hazardous waste off-site, ensure that containers are properly packaged, marked and labeled in accordance with U.S. DOT shipping requirements for hazardous materials.

Do you store hazardous waste in tanks? ☐ Yes ☐ No

If yes, you must do the following:

- ☐ Mark each tank with the words "Hazardous Waste," and a description of the contents, such as the chemical name.
 - ☐ Ensure that the waste is compatible with the tank (e.g., do not put corrosive waste in an unlined steel tank) and do not store wastes that are incompatible with one another in the same tank.
 - ☐ Do not use uncovered tanks.
 - ☐ Ensure that ignitable and reactive wastes that are stored in containers or tanks are separated from sources of ignition or reaction (e.g., open flames, smoking, welding, sparks).
 - ☐ If you discontinue the use of a tank or container storage area, remove all waste, thoroughly clean and decontaminate the area, and perform post-decontamination testing to confirm that no waste residues remain.
 - ☐ Develop a written inspection schedule that lists the areas of the facility to be inspected and describes procedures to be followed during inspections.
 - ☐ Perform inspections of all hazardous waste storage areas (weekly for containers, daily for tanks), looking for leaks, spills, damaged containers, and other hazardous conditions. SQGs must have communications equipment, portable fire extinguishers, spill control equipment, decontamination equipment, and a water supply, foam equipment and/or water sprinklers for fire suppression, on-site. This safety and emergency equipment must be inspected monthly. Correct any problems as quickly as possible.
 - ☐ Document your inspections (and any corrective actions taken to address noted problems) in a written inspection log, and keep these records for at least three years.
 - ☐ Designate an emergency coordinator and post the name and telephone number of this coordinator next to the on-site telephone, along with the locations of fire extinguishers and spill control material, the fire alarm (if you have one), and the telephone number of the local fire department (i.e., 911). Make arrangements with local emergency response authorities to coordinate emergency services in the event of an emergency.
 - ☐ Ensure that whenever waste is being handled, personnel have access to an internal alarm or emergency communication device.
 - ☐ Train all personnel involved in hazardous waste management in proper waste handling and emergency procedures relevant to their specific job duties.
5. If you are a **Large Quantity Generator**, you must do the following [RCSA §§ 22a-449(c)-102(a) and (b), 40 CFR 262.34(a) and (b)]:

- ☐ Have an EPA Identification Number.

EPA Identification Number:

- ☐ Ensure that any hazardous waste haulers that you use have a valid EPA Identification number and transporter's permit to haul waste in Connecticut.

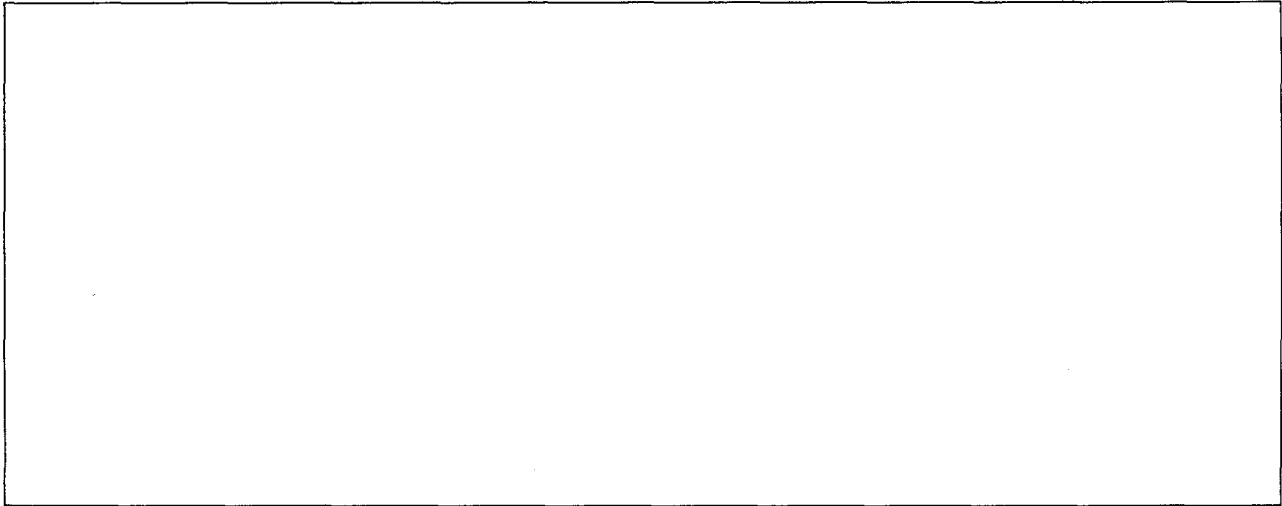
What are the names and EPA Identification number(s) of your hazardous waste hauler(s)?

- ☐ Ensure that your hazardous waste is disposed of at a permitted hazardous waste treatment or disposal facility.
- ☐ Perform a hazardous waste determination on each of the wastes you generate. Repeat hazardous waste determinations annually, and whenever there are changes in the raw materials that are used or the processes generating the waste.
- ☐ Keep records of all test results and other information used to make these determinations for at least three years from the date that the waste was last sent off-site for disposal.
- ☐ Ensure that you do not store wastes on-site for more than 90 days.
- ☐ Prepare a hazardous waste manifest for each off-site shipment of waste, and retain a copy of the manifest for each shipment. Ensure that the required Land Disposal Restriction ("LDR") notices accompany each manifested shipment, and retain copies of these notices on-site.
- ☐ Properly manage ignitable, reactive, and incompatible wastes. Specifically, you must take precautions to prevent fires involving ignitable or reactive wastes by separating and protecting such wastes from sources of ignition, by confining smoking and open flames to designated locations only, and by posting "No Smoking" signs in areas where ignitable or reactive wastes are stored. In addition, you must manage incompatible wastes in a manner which will prevent the generation of heat, pressure, fire or explosion, or the production of mists, fumes, dusts, or gases.
- ☐ **Do you store hazardous waste in containers?** ☐ Yes ☐ No
If yes, you must do the following:
 - ☐ Mark each container with the words "Hazardous Waste," a description of the contents, such as the chemical name, and the date of initial accumulation.
 - ☐ Store containers in an area that has an impervious base, and secondary containment that is capable of containing the volume of the largest container stored in the area, or ten percent of the total volume of waste stored in the area (whichever is greater). NOTE: *If the storage area is outside, measures should be implemented to prevent precipitation from accumulating within the secondary containment. Otherwise, accumulated precipitation will have to be collected for proper disposal.*

- ☐ Ensure that containers are stored such that there is adequate aisle space between containers to allow for unobstructed access by personnel, fire protection equipment, spill control equipment, and decontamination equipment.
- ☐ Use only containers that are compatible with the waste you are putting in them, and keep containers away from other wastes or raw materials that they may be incompatible with by using a dike, berm, wall, or other device to separate them.
- ☐ Ensure that containers are kept closed and in good condition, and immediately replace or over-pack any damaged or leaking containers.
- ☐ When shipping hazardous waste off-site, ensure that containers are properly packaged, marked, and labeled in accordance with U.S. DOT shipping requirements for hazardous materials.
- ☐ Not store containers of hazardous waste within 50 feet of the facility property line.
- ☐ **Do you store hazardous waste in tanks?** ☐ Yes ☐ No
If yes, you must do the following:
 - ☐ Mark each tank with the words "Hazardous Waste," and a description of the contents, such as the chemical name.
 - ☐ Ensure that the waste is compatible with the tank (e.g., do not put corrosive waste in an unlined steel tank) and do not store wastes that are incompatible with one another in the same tank.
 - ☐ Ensure that ignitable and reactive wastes that are stored in tanks are separated from sources of ignition or reaction (e.g., open flames, smoking, welding, sparks).
 - ☐ Ensure that the tanks are constructed and installed in accordance with the required design and installation requirements, and are tested for tightness prior to use.
 - ☐ Provide tanks with special secondary containment and leak detection systems, and spill prevention and overfill controls.
 - ☐ Have tanks inspected by an independent, registered, professional engineer, and certified as to their integrity and compliance with the above requirements prior to use.
 - ☐ When LQGs permanently cease using a tank, they must perform special cleanup and decontamination activities, and, if the former tank storage area cannot be fully decontaminated, then the area must be closed in accordance with the requirements for hazardous waste landfills.
- ☐ Develop a written inspection schedule that lists the areas of the facility to be inspected and describes procedures to be followed during inspections.

- ❑ Perform inspections of all hazardous waste storage areas (weekly for containers, daily for tanks), looking for leaks, spills, damaged containers, and other hazardous conditions. LQGs must have communications equipment, portable fire extinguishers, spill control equipment, decontamination equipment, and a water supply, foam equipment and/or water sprinklers for fire suppression. This safety and emergency equipment must be inspected monthly. Correct any problems as quickly as possible.
- ❑ Document your inspections (and any corrective actions taken to address noted problems) in a written inspection log, and keep these records for at least three years.
- ❑ Comply with special air emission standards for tanks and containers (i.e., 40 CFR 265 Subparts AA, BB, and CC).
- ❑ Ensure that whenever waste is being handled, personnel have access to an internal alarm or emergency communication device.
- ❑ Designate at least one employee as a facility emergency coordinator, and ensure that, at all times, there is a qualified and knowledgeable emergency coordinator either on-site or on-call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. Also, the emergency coordinator must have the authority to commit the resources needed to carry out the contingency plan described below.
- ❑ Have a written contingency plan that includes emergency procedures to be followed in the event of a fire, explosion, spill, or other emergency. This plan must include the names, addresses, and telephone numbers of all persons qualified to act as emergency coordinators, a list of all emergency equipment at the facility (including the locations and brief descriptions of each item on the list), and a facility evacuation plan. The plan must also describe arrangements with local emergency authorities to coordinate emergency services.
- ❑ Have a formal personnel training program that provides both initial training and annual refresher training. The training program must include a written description of the training, a list of names, job titles, and descriptions for all personnel involved in hazardous waste management at the facility, and records documenting that all required training has been provided. Retain these records until closure of the facility, or for at least three years after an employee last worked at the facility.
- ❑ Submit biennial hazardous waste reports to DEEP, and keep copies of these reports for at least three years.

Insert photos here of each hazardous waste tank or container storage area. Include close-up photos showing container and tank markings/labels and containment systems.



Part Two: Universal Waste Requirements

(Auto Recycling Industry Compliance Guide, Page 16, 19, and 34 – 36)

Universal wastes are wastes that are subject to a special, reduced set of requirements in 40 CFR 273, and include pesticides, batteries, mercury thermostats and other mercury-containing equipment, mercury-containing lamps (such as fluorescent lamps), and used electronics (such as computers and televisions). Common examples of universal waste items at Auto Recycling facilities include mercury switches (such as hood and trunk light switches), and rechargeable batteries (such as nickel-cadmium batteries). For more information on universal waste, see DEEP's Universal Waste Rule fact sheet, which is available on the DEEP website at the following address, or by calling 1-888-424-4193:

http://www.ct.gov/dep/cwp/view.asp?a=2718&q=325432&depNav_GID=1646

NOTE: *Lead-acid batteries may be managed under the Universal Waste Rule requirements, or the lead-acid battery requirements described in Part Three of this checklist. It is up to you to decide which set of requirements you prefer to use.*

1. Do you generate or store any of the following universal wastes (check all that apply)?

- | | | |
|--|------------------------------|-----------------------------|
| <input type="checkbox"/> Batteries | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Pesticides | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Mercury-containing equipment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Mercury thermostats | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Fluorescent or other mercury-containing lamps | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> Used electronics | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

2. If no, skip the remainder of this section and proceed to Part Three of this checklist. If yes, you must do the following [RCSA Section 22a-449(c)-113, 40 CFR 273]:

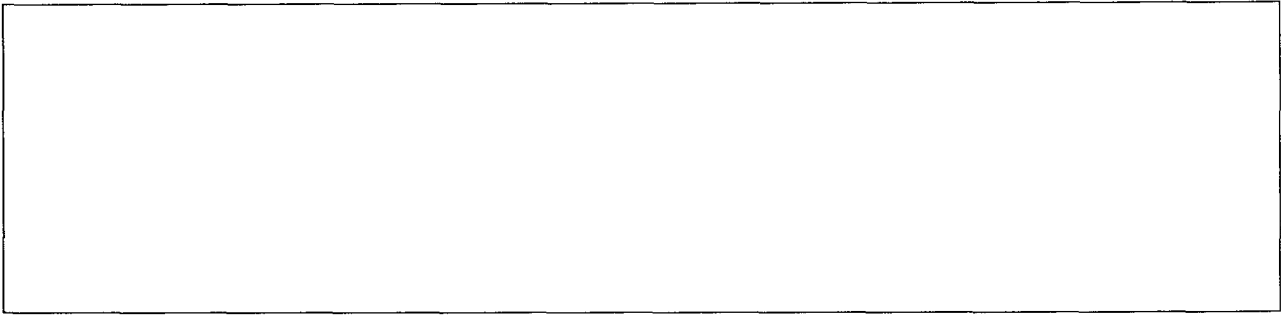
- ☐ Properly mark each item of universal waste or each container of universal waste so as to clearly identify it. In particular, you must mark each type of universal waste as follows:
 - Batteries: "Universal Waste – Batteries" or "Waste Batteries" or "Used Batteries."
 - Cancelled/recalled pesticides: "Universal Waste – Pesticides" or "Waste Pesticides."
 - Mercury-containing equipment: "Universal Waste Mercury-Containing Equipment" or "Waste Mercury-Containing Equipment" or "Used Mercury-Containing Equipment."
 - Mercury thermostats: "Universal Waste – Mercury Thermostats" or "Waste Mercury Thermostats" or "Used Mercury Thermostats."
 - Fluorescent or other mercury-containing lamps: "Universal Waste – Lamps" or "Waste Lamps" or "Used Lamps."
 - Used electronics: "Universal Waste – Used Electronics" or "Waste Used Electronics" or "Used Electronics."

- ❑ Store universal waste for no longer than one year.
- ❑ Be able to demonstrate the length of time that universal waste has been accumulated on-site. This may be done, for example, by marking each item or container of universal waste with the initial accumulation date, or by maintaining a written log or inventory that identifies the initial date of accumulation for each universal waste item or container.
- ❑ Manage universal wastes in a way that prevents releases of universal waste, or components or constituents of universal waste to the environment.
- ❑ Store universal waste pesticides in a container that is kept closed, structurally sound, and compatible with the pesticide.
- ❑ Store universal waste lamps in containers or packages that are kept closed, structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.
- ❑ Store universal waste used electronics inside a building with a roof and four walls or in the cargo carrying portion of a truck, such as a trailer, in a way that prevents exposure to the environment.
- ❑ Ensure that universal waste used electronics are handled, stored, and transported in a way that maintains their ability to be reused, and/or recyclability.
- ❑ Ensure that all employees who handle universal waste have been trained regarding proper handling and emergency procedures for the types of universal waste they handle and their specific job duties.
- ❑ Place any universal waste item that shows signs of leakage, spillage, or damage in a container that is kept closed, is structurally sound, and is compatible with the contents of the universal waste item.
- ❑ Immediately contain any releases of universal waste.
- ❑ Manage wastes generated from the containment of releases of universal waste, or leakage, spillage, or breakage of universal waste in compliance with hazardous waste requirements.
NOTE: *Waste resulting from the inadvertent breakage of small quantities of universal waste items does not have to be managed as hazardous waste, and may continue to be managed as universal waste.*
- ❑ Not crush, shred, heat, treat, or dispose of universal wastes.
- ❑ If you remove mercury ampules from mercury-containing equipment (e.g., removing mercury capsules from automatic hood and trunk light switches, you must also do the following:
 - Remove and manage the ampules in a manner designed to prevent breakage of the ampules.
 - Remove the ampules only over or in a containment device (such as a tray or pan) to collect and contain any mercury released from an ampule in case of breakage.

- Have a mercury clean-up system or spill kit to collect and transfer any mercury resulting from spills or leaks of broken ampules to a hazardous waste container.
 - Immediately transfer any mercury resulting from spills or leaks from broken ampules to a hazardous waste container.
 - Ensure that any areas where ampules are removed are well ventilated and monitored to ensure compliance with applicable federal Occupational Safety and Health Administration exposure levels for mercury.
 - Ensure that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including how to manage spills and the transfer of spilled mercury to hazardous waste containers.
 - Store the removed ampules in closed, non-leaking containers that are in good condition.
 - Pack removed ampules in the container with packing materials that will prevent breakage of ampules during storage, handling, and transport.
- ❑ Before shipping universal waste off-site, ensure that it is packaged, marked, labeled and placarded in accordance with U.S. DOT rules for hazardous materials.
 - ❑ Ship universal waste to another universal waste handler, or to an authorized destination facility for recycling. Prior to shipment, ensure that the receiving facility agrees to receive the shipment. Any shipments that are rejected must be taken back, or directed to another handler or destination facility.
 - ❑ Comply with universal waste transporter requirements if you transport universal waste from one site to another [40 CFR 273 Subpart D].
 - ❑ If you store more than 5000 kilograms (11,000 pounds) of universal waste at any one time, you must also do the following:
 - Keep a record of each shipment of universal waste that is received at your site or shipped off-site. Each record must include the name and address of the person shipping the universal waste, the name and address of the person the universal waste is being shipped to, the quantity and type of universal waste being sent, and the date of receipt or shipment.
 - Keep records of shipments of universal waste for at least three years.

NOTE: *If you manage your lead-acid batteries as universal wastes, include them in the 5000-kilogram total.*

Insert photos here of all universal waste storage areas.



Part Three: Spent Lead Acid Battery Management

(Auto Recycling Industry Compliance Guide, Pages 34 – 35)

Do you handle spent lead acid batteries at your facility?

☐ Yes ☐ No (If no, go on to Part Four)

NOTE: *You must manage your spent lead acid batteries following either the Universal Waste Rule Requirements (Item 1. below) or the Lead Acid Battery Recycling Rules (Item 2. below).*

1. Do you manage your spent lead acid batteries following the Universal Waste Rule Requirements?

☐ Yes ☐ No (If yes, skip the remainder of Part Three of this checklist.)

2. If spent lead acid batteries are not managed in accordance with the Universal Waste Rule Requirements, they must be managed in accordance with the Lead Acid Battery Recycling Rules. You must [RCSA §22a-449(c)-106(c)]:

- ☐ Segregate batteries from paper, rags, garbage, flammables, scrap metal or hazardous chemicals by means of a dike, berm, wall, or other physical barrier.
- ☐ Store spent lead acid batteries on an impervious surface (such as concrete sealed to protect the surface from degradation).
- ☐ Inspect spent lead acid batteries weekly for leaks and deterioration. Document these inspections in a written inspection log or summary that includes the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions taken. Retain these records for at least three years.
- ☐ Ensure that batteries are not opened, handled or stored in a way that may rupture the battery case, cause it to leak, or produce short circuits.
- ☐ Open, handle or store spent lead acid batteries so that the battery case does not rupture, leak, or produce short circuits.
- ☐ Ensure that batteries are packaged, marked, labeled and placarded in accordance with U.S. DOT rules for hazardous materials before shipping batteries off-site.

Insert photos here of management of batteries (e.g., storage, labeling).

Part Four: Used Oil Management Requirements

(Auto Recycling Industry Compliance Guide, Pages 43 – 47)

Do you generate used oil, or collect it from household do-it-yourselfers?

☐ Yes ☐ No (If no, go on to Part Five)

If yes, you must:

- ☐ Place any used oil storage tanks or containers on an impervious surface. In addition, if the tanks or containers are outdoors, you must also provide secondary containment equal in volume to the capacity of the storage tanks and containers that are stored in the storage area. If the tanks or containers are indoors, no secondary containment is required [RCSA Section 22a-449(c)-119(b)(2)].

Explain how your used oil is managed with respect to the above requirements (i.e. is it indoors or is there secondary containment?)

- ☐ Label each tank or container "Used Oil" [40 CFR 279.22(c)].
- ☐ Use a licensed waste oil transporter to haul the oil to a treatment facility for processing [Connecticut General Statutes ("CGS") Section 22a-454] **OR** burn the used oil in space heaters to provide heat for garage bays or workshop areas.

Do you have a used oil space heater? ☐ Yes ☐ No

If yes, does the used oil space heater:

- ☐ Burn only used oil that you generate or that was received from household do-it-yourselfers?
- ☐ Have a heating capacity of no more than 500,000 BTUs per hour?
- ☐ Vent to the outside air?

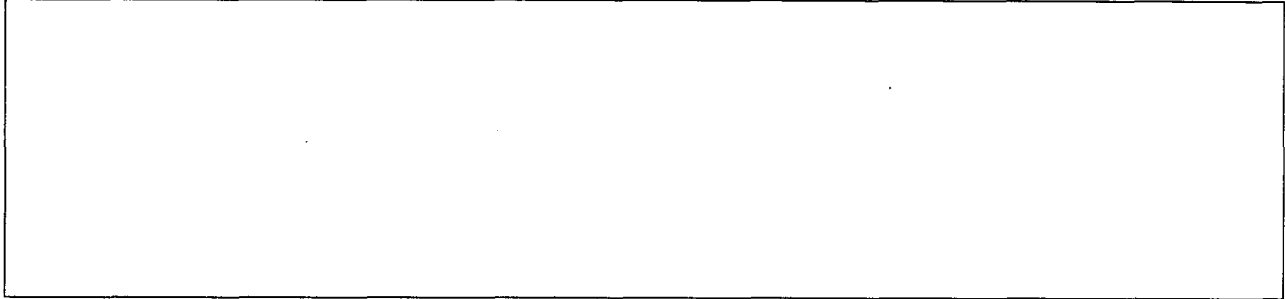
Do you have used oil hauled off-site for processing? ☐ Yes ☐ No

If yes, who is your used oil hauler?

- ☐ Test the used oil for total halogen content and maintain records on-site.
- ☐ Keep results of used oil testing [RCSA Section 22a-449(c)-119(b)(1)(C)].
- ☐ Prepare a Spill Prevention, Control, and Countermeasures ("SPCC") Plan if required [40 CFR 112.1]. (To find out if SPCC requirements apply to your storage of used oil, see www.epa.gov/emergencies/content/spcc/index.htm. Information on SPCC requirements is also

available on the DEEP website. Go to www.ct.gov/dep and enter "Spill Prevention, Control, and Countermeasure Plans" in the search box.)

Insert photos here of storage of oil in containers and tanks as explained above.

A large, empty rectangular box with a thin black border, intended for the user to insert photographs of oil storage containers and tanks. The box is currently blank.

Part Five: Solid Waste Management Requirements

(Auto Recycling Industry Compliance Guide, Pages 41 – 42)

1. Explain how garbage is collected and stored at the facility and who collects it:

2. You must provide for recycling of the following materials generated by employees and/or customers [CGS §22a-241b(d)]:

- ☐ glass and metal food/beverage containers
- ☐ corrugated cardboard
- ☐ office paper and newspaper
- ☐ leaves and grass clippings
- ☐ scrap metal
- ☐ used oil
- ☐ lead acid batteries
- ☐ nickel-cadmium batteries

Insert photos here of garbage collection and recycling practices as explained above.

3. You must not store garbage or other solid waste on-site for longer than 45 days [CGS §22a-207 and - 208a].

- ☐ Properly store and dispose of scrap tires (for example, sending them to a permitted processing facility that will shred them and send them to a permitted tire burner facility).

Explain where tires are sent for reuse, recycling, energy recovery, or disposal:

- ☐ Tires should be stored indoors or inside a trailer. Any tire piles should be covered to prevent accumulation of standing water.
- ☐ Stored tires should be accessible to fire fighting and emergency response personnel, vehicles and equipment.

Insert photos here of scrap tire storage.

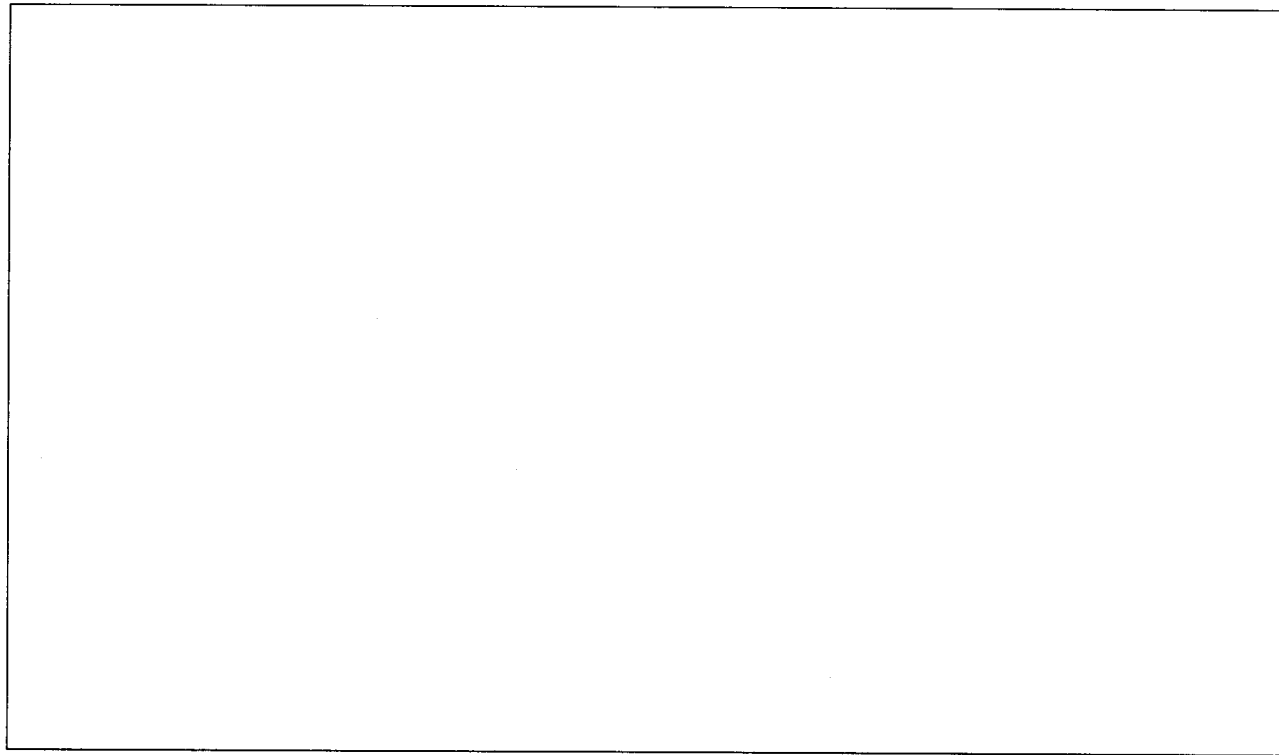
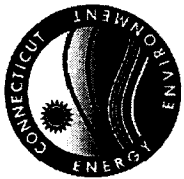


EXHIBIT B

Business Recycling Profile



Connecticut Department of
Energy & Environmental Protection

Business Recycling Profile

In Connecticut, recycling is mandatory. Connecticut General Statutes and the Regulations of Connecticut State Agencies require designated items to be recycled by **everyone**. Every resident, business, government facility, school, college, hospital, institution, etc. is required by law to recycle glass & metal food and beverage containers, plastic containers #1 and #2*, cardboard*, corrugated cardboard, magazines*, newspaper, white office paper, colored office paper*, scrap metal, Ni-Cd rechargeable batteries, used crankcase oil, lead acid batteries, leaves and grass clippings.

Recycling these items is a critical action we can all take to move the State towards achieving our recycling rate of 58% by 2024 as stated in the amended December 2006 C.T. State Solid Waste Management Plan. Complying with the state recycling laws has tremendous environmental benefits such as conserving natural resources, reducing pollutants emitted to our air and water; conserving energy, reducing greenhouse gas emissions, and eliminating the need for new solid waste disposal facilities.

This form is a guidance document to help businesses better manage their recycling program and increase recovery efforts. This form does not need to be submitted to the Connecticut Department of Energy and Environmental Protection (DEEP) unless it is requested, in response to an inspection and/or an enforcement action. For more recycling resources please visit our [Business Recycling Resources webpage](#).

Part I: Company Information

1. Company Name:			
Mailing Address:			
2. Recycling Contact:			
Phone(s):			
3. Additional Contact:			
Phone(s):			
	City/Town:	State:	Zip Code:
	Title:		
	Email:		
	Title:		
	Email:		

Part II: Facility/Operations

1. Type of business:	
2. Number of buildings:	
3. Total square footage of building(s)	
4. Acreage of lawn area::	
5. Number of employees:	

*Materials will be designated recyclables in 2012.

Part II: Facility/Operations (continued)

6. Current solid waste/recycling hauler(s):

Name:

Phone:

Name:

Phone:

Name:

Phone:

☐ Check here if additional sheets are necessary, and label and attach them to this sheet.

7. Building Owner:

Mailing Address:

City/Town:

State:

Zip Code:

Phone:

Email:

All Businesses Are Required to Recycle:

- **High Grade White Office Paper:** White copy paper, computer paper, office stationery, memo paper, etc.
- **High Grade Colored Office Paper*:** Colored ledger or copy paper
- **Old Corrugated Cardboard:** Old or discarded corrugated boxes – *Not waxed*
- **Boxboard*:** Including cereal boxes, tissue boxes, or chip board
- **Old Newspaper:** Used or discarded newspapers
- **Magazines***
- **Plastic containers #1 (PET) and #2 (HDPE)*:** Bottles and containers
- **Glass & Metal Food and Beverage Containers** (including 5¢ deposit containers)

- **Leaves:** Foliage which has fallen from trees must be recycled
- **Grass Clippings:** Best practice is to recycle grass by leaving grass clippings on the lawn.
- **Used Crankcase Oil:** Used crankcase oil from internal combustion engines
- **Lead Acid Storage Batteries:** Used batteries from cars, airplanes, boats, tractors, etc.
- **Scrap Metal:** Used or discarded items which consist predominantly of metals such as iron, aluminum, brass, copper, lead, chromium, tin, nickel, etc. or alloys of these metals, including but not limited to appliances.
- **Rechargeable Batteries:** Nickel-cadmium (NiCd) rechargeable batteries, both those contained within appliances and those sold individually are required to be recycled after they no longer are usable.

In addition to the state mandated recyclables listed above, check your local ordinances to learn about additional materials your business may be required to recycle.
58% by 2024

*Materials will be designated recyclables in 2012.

Part III: Company's Current Recycling & Recovery Efforts

Please use the table below to describe your company's current recycling program. Attachments of photos or other documents are also accepted if you are requested to submit this form.

RECYCLABLE MATERIAL	AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH (If you do not have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
EXAMPLE: OFFICE PAPER (White and other paper combined)	One 40-gallon wheeled cart/week	Everyone collects at their desk; brought to central location (large wheeled cart near elevators). Janitor brings to loading dock when it is full (about once a week)	Our current trash hauler, (NAME) empties our paper recycling wheeled cart 2x/month (we call them as-needed) and material is taken to a permitted recycling facility (PERMITTEE NAME) in (TOWN).
Office paper (white paper)**			
Office paper (colored paper)**			
Newspaper**			
Other paper or mixed paper (please list types here)			

** Mandatory item that everyone is required to recycle in Connecticut.

Part III: Company's Current Recycling & Recovery Efforts (continued)

RECYCLABLE MATERIAL	AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH (if you don't have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
EXAMPLE: Old Corrugated Cardboard	We have a 4-yard dumpster behind our main warehouse. It's picked up twice a week.	Warehouse staff collect and flatten boxes as we go along. A small pile is created during a shift (we have 3 shifts/day). At the end of the shift an employee removes the small pile and brings to dumpster outside.	Our current trash hauler, (NAME) empties cardboard dumpster on Mondays and brings it to a properly permitted facility (PERMITTEE NAME) in (TOWN) for recycling.
Corrugated cardboard**			
Boxboard**			
Magazines**			
Food and beverage containers (check all those collected for recycling) <input type="checkbox"/> Glass** <input type="checkbox"/> Metal** <input type="checkbox"/> Plastic 1&2** <input type="checkbox"/> Paper carton or (juice-type) box			
Other			

** Mandatory item that everyone is required to recycle in Connecticut

Part III: Company's Current Recycling & Recovery Efforts (continued)

RECYCLABLE MATERIAL	AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH (if you don't have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
EXAMPLE: Printer Toner cartridges	We have 8 printers in our offices and generally replace/recycle 1/month	Office manager returns all toner cartridges to Office Supply Store for a credit towards future office supplies	Use mailer envelopes that come with new toner. We mail them back to Office supply store (or they pick up with new deliveries).
Lead Acid Storage Batteries (car, truck, boat)**			
Rechargeable Batteries**			
Used Crankcase Oil**			
Scrap Metal**			

** Mandatory item that everyone is required to recycle in Connecticut

Part III: Company's Current Recycling & Recovery Efforts (continued)

MATERIAL	AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH (if you don't have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
<i>EXAMPLE: Leaves and other yard debris</i>	N/A	Our landscape company (NAME, TOWN) mows our lawns and maintains our entry garden. They remove all the materials (although grass clippings are left on the lawn).	Our landscape company (NAME) takes them away to a properly permitted recycling facility, (PERMITTEE NAME, LOCATION).
Leaves**			
Grass clippings**			
Brush, stumps and other yard debris			
Food waste			
Other			
Other			

** Mandatory item that everyone is required to recycle in Connecticut

Part IV: Company's Current Waste Reduction, Reuse And Other Recovery Programs

WASTE REDUCTION, REUSE AND OTHER RECOVERY PROGRAMS	PROJECT DESCRIPTION
EXAMPLE: Waste Reduction	Our cafeteria recently began using reusable trays and washing them instead of using Styrofoam trays which we were throwing away. We have also instituted a reusable mug program (providing a free mug to employees) to try and reduce the amount of coffee cup waste.
Waste Reduction	
Waste Reduction	
Other	
EXAMPLE: ReUse	Our company generates approximately 10 used Gaylord containers /week that we donate to Foodshare for their produce distribution program. We also donate over-stock and discontinued building supplies to the ReCONstruction Center in New Britain.
ReUse	
ReUse	
Other	
Other	

Part V: Recycling & Recovery Programs Planned

Please use the table below to describe future recycling efforts and how compliance with the mandatory items, if not already recovered for recycling, will be achieved.

IDEA / MATERIAL	ESTIMATED GENERATION RATE	HOW AND WHERE WILL THE MATERIAL BE COLLECTED?	WHO WILL PICK-UP THIS MATERIAL? FINAL/END MARKET?	WHEN WILL PROGRAM BE IMPLEMENTED?
EXAMPLE: Food and Beverage containers (glass, metal and plastic)	25 gallons/month	Will place barrel in break room; janitorial staff will empty and remove materials to a larger container on our loading dock.	There are a lot of 5¢ deposit containers. We're looking into having a local non-profit organization collect them for free and redeem the deposits.	We will start this program by August 8, 2008 (2 weeks from now).
EXAMPLE: 55 gallon drums	10/week	We generate 55 gallon drums, which contained <u>non-hazardous substances</u> . We stockpile them outside the plant until we have 50 drums.	Working with XYZ, a company that reconditions the drums. We've found this to be more cost effective than recycling them at this time.	We've already started collecting and expect our first pick up to be next week (June 5, 2008)

Part V: Recycling & Recovery Programs Planned (continued)

IDEA / MATERIAL	ESTIMATED GENERATION RATE	HOW AND WHERE WILL THE MATERIAL BE COLLECTED?	WHO WILL PICK-UP THIS MATERIAL? FINAL/END MARKET?	WHEN WILL PROGRAM BE IMPLEMENTED?
EXAMPLE: 5 gallon buckets	15-30 <u>buckets/month</u>	We generate buckets (contained non-hazardous substances) and cannot use them. Will rinse and stack (with lids) off to side of loading dock.	We're trying to secure a connection with a local reuse center or distribute via materials exchange program.	We hope to start this program by the end of August 2008.

Reminder: This form is only required to be submitted when requested by DEEP.

When requested by DEEP, please include photos of your recycling bins and containers and any copies of recycling/waste contract. If you have additional pages or items to help explain/show successes in your waste recycling/recovery efforts, please attach those as well including brochures, flyers, employee educational materials, etc.

When requested by DEEP, please submit the completed form and all Supporting Documents to:

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT & COMPLIANCE ASSURANCE
WASTE ENGINEERING AND ENFORCEMENT DIVISION
79 ELM STREET, 4TH FLOOR
HARTFORD, CT 06106-5127

PHONE: (860) 424-3365



Connecticut River Coastal Conservation District, Inc.

February 18, 2014

United States Department of Justice
Citizen Suit Coordinator
Environment and Natural Resources Division Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, D.C. 20044-741

Re: Proposed Consent Decree Case No. 3:12-cv-00844-RNC,
A-Rite Used Auto Parts, Inc., New Britain, CT

Dear Citizen Suit Coordinator,

Connecticut River Coastal Conservation District, Inc. is a 501(c)(3) tax-exempt entity (tax ID# 06-0733567), whose mission is to promote the sound use and management of our natural resources through technical assistance and education. We work in an area comprising 26 municipalities in the lower Connecticut River Watershed and adjacent coastal areas, which includes the City of New Britain. A major focus of our efforts has been on improving the health of the Mattabesset River through watershed assessment, technical training, public outreach and involvement, and on-the-ground restoration.

I have read the proposed consent judgment concerning A-Rite Used Auto Parts, Inc., which names Connecticut River Coastal Conservation District as the Supplemental Environmental Project (SEP) recipient of \$5,000 for use on "projects relating to the reduction, mitigation, and/or remediation of the effects of stormwater pollution or environmental restoration of or other benefit to the Webster and Willow Brook, Mattabesset River, Connecticut River and Long Island Sound Watersheds." We agree to spend the funds received under the proposed judgment for these specified purposes, and not for any activities constituting political lobbying.

When the SEP funds have been spent, we will submit a letter describing how those funds were spent to the Court, the United States, and the parties named in the proposed judgment.

We look forward to planning and implementing an appropriate project that will both meet the requirements of the proposed judgment and help further our conservation efforts. Please contact me if you have questions or need additional information. Thank you for your consideration.

Sincerely,

Jane L. Brawerman
Executive Director

